

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL DOCKET NO.: 3:95CR119-V**

**THIS MATTER** is before the Court on Defendant's "Motion to Modify Term of Imprisonment Pursuant to Title 18 U.S.C. §3582(c)(2)," filed originally on August 13, 2003, pursuant to Amendment 599 of the United States Sentencing Guidelines.<sup>1</sup> (Documents #184, #187) The Government does not oppose Defendant's motion. (Document #186)

Consistent with the Sentencing Commission's decision that Amendment 599 is to be applied retroactively, and with the consent of the Government, Defendant's motion will be granted. U.S.S.G., App. C (Supp.2000); U.S.S.G. §1B1.10.

**IT IS, THEREFORE, ORDERED THAT:**

- 1) Defendant's motion is hereby **GRANTED**;
- 2) The Clerk of Court and U.S. Probation Department are charged with submitting a **Proposed Amended Judgment** (consistent with the Court's ruling) to the undersigned for review **on or before November 18, 2005**; and
- 3) The Deputy Clerk shall forward a copy of the instant Order to the Defendant, U.S. Attorney's Office, U.S. Probation Department, U.S. Marshal's Service, and Bureau of Prisons.

<sup>1</sup> The undersigned regrets the delay. It appears that upon referral from the previously assigned district judge (visiting in the Western District of North Carolina pursuant to special designation by the circuit court), Defendant's motion was inadvertently overlooked by this Court.

**Signed: October 28, 2005**



Richard L. Voorhees  
United States District Judge

